



THE CITY OF NEW YORK
BUSINESS INTEGRITY COMMISSION
100 CHURCH STREET, 20TH FLOOR
NEW YORK, NEW YORK 10007

DECISION OF THE BUSINESS INTEGRITY COMMISSION DENYING THE APPLICATION OF WASTE MAVEN CARTING CORP. FOR RENEWAL OF ITS LICENSE TO OPERATE AS A TRADE WASTE BUSINESS

Waste Maven Carting Corp. ("Waste Maven" or "Applicant") has applied to the New York City Business Integrity Commission (formerly known as the Trade Waste Commission) ("Commission") for renewal of its license to operate a trade waste business pursuant to Local Law 42 of 1996. See Title 16-A of the New York City Administrative Code ("Admin. Code"), §§16-505(a), 16-508. Local Law 42, which created the Commission to license and regulate the commercial carting industry in New York City, was enacted to address pervasive organized crime and other corruption in the industry, to protect businesses using private carting services, and to increase competition in the industry and thereby reduce prices.

Local Law 42 authorizes the Commission to refuse to issue a license to any applicant, who it determines, in the exercise of its discretion, lacks good character, honesty, and integrity. See Admin. Code §16-509(a). The statute identifies a number of factors that, among others, the Commission may consider in making its determination. See id. §16-509(a)(i)-(x). These illustrative factors include the failure to provide truthful information to the Commission, certain civil or administrative findings of liability, and certain associations with organized crime figures. Based upon the record of Waste Maven, the Commission denies its license renewal application on the ground that this applicant lacks good character, honesty, and integrity for the following independently sufficient reasons:

- (1) The Applicant Failed to Comply with the Conditions of its Temporary License Renewal Order
- (2) The Applicant Failed to Provide the Information and/or Documentation Required by the Commission
- (3) The Applicant Failed to Pay Taxes and Fees Related to Its Business for Which Judgments Have Been Entered
- (4) The Applicant Failed to Demonstrate Eligibility for a Trade Waste License

- (5) "that businesses often pay substantially higher amounts than allowed under the maximum rate because carters improperly charge or overcharge for more waste than they actually remove";
- (6) "that organized crime's corrupting influence has resulted in numerous crimes and wrongful acts, including physical violence, threats of violence, and property damage to both customers and competing carting firms";
- (7) "that recent indictments have disclosed the pervasive nature of the problem, the structure of the cartel, and the corruption it furthers through the activities of individual carters and trade associations";
- (8) "that unscrupulous businesses in the industry have taken advantage of the absence of an effective regulatory scheme to engage in fraudulent conduct"; and
- (9) "that a situation in which New York City businesses, both large and small, must pay a 'mob tax' in order to provide for removal of trade waste is harmful to the growth and prosperity of the local economy."

Local Law 42, § 1.

The criminal cartel operated through the industry's four leading New York City trade associations, the Association of Trade Waste Removers of Greater New York ("GNYTW"), the Greater New York Waste Paper Association ("WPA"), the Kings County Trade Waste Association ("KCTW"), and the Queens County Trade Waste Association ("QCTW"), all of which were controlled by organized crime figures for many years. See, e.g., Local Law 42, §1; United States v. International Brotherhood of Teamsters (Adelstein), 998 F.2d 120 (2d Cir. 1993). As the Second Circuit found, regardless of whatever limited legitimate purposes these trade associations might have served, they "operate[d] in illegal ways" by "enforc[ing] the cartel's anticompetitive dominance of the waste collection industry." SRI, 107 F.3d at 999.

In June 1995, all four trade associations, together with seventeen individuals and twenty-three carting companies, were indicted on enterprise corruption, criminal antitrust, and related charges as a result of a five-year investigation into the industry by the Manhattan District Attorney's Office and the New York Police Department. See People v. Ass'n of Trade Waste Removers of Greater New York Inc. et al., Indictment No. 5614/95 (Sup. Ct. N.Y. Cty.). The defendants included capos and soldiers in the Genovese and Gambino organized crime families who acted as "business agents" for the four trade associations, as well as carters closely associated with organized crime and the companies they operated. In essence, the carting industry's modus operandi, the cartel, was indicted as a criminal enterprise.

closely associated with the KCTW, as well as their affiliated carting companies, pleaded guilty to corruption charges. The Brooklyn carters who were the KCTW's principal representatives -- president Frank Allocca and vice-president Daniel Todisco -- pleaded guilty to attempted enterprise corruption, as did Brooklyn carter Dominick Vulpis; each of their defendant companies pleaded guilty to criminal restraint of trade. Brooklyn carter and KCTW secretary Raymond Polidori also pleaded guilty to criminal restraint of trade, as did two related companies controlled by Polidori. These individual defendants agreed to pay fines ranging from \$250,000 to \$750,000, to serve sentences ranging from probation to 4½ years in prison, and to be permanently barred from the City's carting industry. The same day, Manhattan carters Henry Tamily and Joseph Virzi pleaded guilty to attempted enterprise corruption and agreed to similar sentences, fines, and prohibitions. All six defendants confirmed the existence of the criminal cartel and admitted to specific instances of their participation in it.

On February 24, 1997, defendants Michael D'Ambrosio, Robros Recycling Corp., and Vaparo, Inc. all pleaded guilty in allocutions before New York Supreme Court Justice Leslie Crocker Snyder. D'Ambrosio pleaded guilty to attempted enterprise corruption, and his companies pleaded to criminal antitrust violations.

On July 21, 1997, Philip Barretti, another lead defendant in the state prosecution and the former owner of the City's largest carting company, pleaded guilty to two counts of attempted enterprise corruption and agreed to a prison sentence of 4½ to 13½ years and to pay \$6 million in fines, restitution, and civil forfeitures. Frank Giovinco, former head of the WPA, pleaded guilty to attempted enterprise corruption and agreed to a prison sentence of 3½ to 10½ years. Carters Paul Mongelli and Louis Mongelli also pleaded guilty to attempted enterprise corruption, and agreed to prison sentences of four to twelve and 3⅓ to ten years, respectively. All four defendants agreed to be permanently barred from the City's carting industry. On the same day, Philip Barretti, Jr. and Mark Barretti pleaded guilty to an environmental felony and commercial bribery, respectively, and agreed to be sentenced to five years probation. The Barretti and Mongelli carting companies also pleaded guilty at the same time. A few days later, the WPA pleaded guilty to criminal restraint of trade.

In the federal case, on September 30, 1997, Thomas Milo, a Gambino family associate, and his company, Suburban Carting, among others, pleaded guilty to federal charges of conspiracy to defraud the United States and to make and file false and fraudulent tax returns, and, respectively, to defraud Westchester County in connection with a transfer station contract and to violate the Taft-Hartley Act by making unlawful payments to a union official. In their allocutions, Suburban and Milo admitted that one objective of the conspiracy was to conceal the distribution of cartel "property rights" profits by engaging in sham transactions.

The pleas of guilty to reduced charges by the state defendants took place in the context of an ongoing prosecution of the entire enterprise corruption conspiracy, in which testimony had begun in March 1997. The remaining defendants were the GNYTW, Gambino soldier Joseph Francolino and one of his carting companies, Genovese capo Alphonse Malangone, and two carting companies controlled by defendant Patrick Pecoraro (whose case, together with the case against the QCTW, had been severed due to the death of their attorney during the trial). On October 21, 1997, the jury returned guilty

carting licenses previously issued by the DCA remained valid pending decision by the Commission on timely filed license applications. See Local Law 42, §14(iii)(a).

As the United States Court of Appeals has definitively ruled, an applicant for a carting license under Local Law 42 has no entitlement to and no property interest in a license, and the Commission is vested with broad discretion to grant or deny a license application. SRI, 107 F.3d at 995; see also Daxor Corp. v. New York Dep't of Health, 90 N.Y.2d 89, 98-100, 681 N.E.2d 356, 659 N.Y.S.2d 189 (1997). In determining whether to issue a license to an applicant, the Commission may consider, among other things, the following matters, if applicable:

- (i) failure by such applicant to provide truthful information in connection with the application;
- (ii) a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal of such license, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which the license is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending;
- (iii) conviction of such applicant for a crime which, considering the factors set forth in section seven hundred fifty-three of the correction law, would provide a basis under such law for the refusal of such license;
- (iv) a finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license is sought;
- (v) commission of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction;
- (vi) association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person;

The staff has conducted an investigation of the Applicant and its principal. On February 13, 2008, the staff issued a 20-page recommendation ("Recommendation") that the application be denied. The Applicant was served with the recommendation on February 15, 2008 and was granted ten business days to respond (February 29, 2008). See 17 RCNY §2-08(a). The Applicant failed to submit a timely response (or request for additional time) by that deadline.²

On May 1, 2008, Waste Maven submitted an application to sell its business to Action Carting Environmental Services, Inc., another trade waste licensee. See Application for Permission to Proceed with Asset of Business Sale Transaction ("Sale Application").³

On June 12, 2008, Waste Maven's attorney, Lloyd Parodneck ("Parodneck"), submitted a one-page letter claiming that Waste Maven "has addressed most all of the issues raised in the Executive Staff Recommendation dated February 13, 2008, with the exception of the fines owed to the BIC," in an effort to persuade the Commission to prioritize the Sale Application ahead of the License Renewal Application. See Parodneck Letter to BIC, dated June 12, 2008.⁴ On June 13, 2008, Parodneck submitted documentation that several outstanding judgments to government entities (see Recommendation at 19) had been satisfied and that several pending DCA notices of violation had been adjourned to new hearing dates. See Parodneck Letter to BIC, dated June 13, 2008.

In an exercise of discretion, the Commission declines to hold the license renewal application in abeyance in order to consider a sale application (which raises significant issues requiring extensive investigation) filed almost over two months after the staff's submission of a denial recommendation. See Patano Brothers, Inc., et al. v. Trade Waste Commission of the City of New York, 251 A.D.2nd 254 (1st Dept. 1998); Grasso Public Carting, Inc., et al. v. Trade Waste Commission of the City of New York, 250 A.D.2d 454 (1st Dept. 1998).

² On March 3, 2008, Lloyd Parodneck, an attorney for Waste Maven, contacted a Commission staff member. Parodneck stated that he had received the staff's denial recommendation and cover letter and that he was working on resolving the issues in the denial recommendation. The staff member informed Parodneck that while the due date for a response to the recommendation had passed, he could submit a late response in case the Commission elected to give it consideration.

³ Licensees are required to provide the Commission with 30-day advance notice of the sale of a trade waste business to another entity. Upon the filing of such notice, the Commission may issue any order with respect to the transaction consistent with the purposes of Local Law 42. See 17 RCNY §5-05(b)(2). On May 2, 2008, Waste Maven was ordered that it "may not go forward with the sale of [the] company or any part of the transaction without the express written authorization of the Commission." See BIC Letter to Waste Maven, dated May 2, 2008. A cursory examination of Waste Maven's sale application revealed numerous issues requiring further investigation, including the discovery of several undisclosed salesman who were working for Waste Maven without being properly vetted by the Commission.

⁴ *In fact, Waste Maven failed to address several issues in the Recommendation, including its failure to comply with the conditions of its renewal order (see Recommendation at 17-18), its failure to explain or justify its late payments and non-payments, its failure to explain non-compliance with numerous Commission Directives, its significantly late submission of its financial statements, business records and customer register (all of which raise numerous substantive issues about the integrity of their contents) and its failure to sustain its burden of proof to demonstrate eligibility for a trade waste license.*

1. 2007, \$500 by November 1, 2007, \$500 by December 1, 2007 and \$500 by January 1, 2008.”

Despite Waste Maven’s agreement to the terms of the First Stipulation, it failed to comply with the terms of the payment plan for the majority of its payments and still owes a balance of \$4,000:

- the payment due February 1, 2006 was not received until February 2, 2006
- the payment due March 1, 2006 was not received until April 14, 2006
- the payment due April 1, 2006 was not received until April 14, 2006
- the payment due May 1, 2006 was not received until May 2, 2006
- the payment due June 1, 2006 was received timely on May 8, 2006
- the payment due July 1, 2006 was not received until July 18, 2006
- the payment due August 1, 2006 was not received until September 25, 2006
- the payment due September 1, 2006 was not received until September 25, 2006
- the payment due October 1, 2006 was received timely on September 25, 2006⁵
- the payment due November 1, 2006 was not received until January 12, 2007⁶
- the payment due December 1, 2006 was not received until January 12, 2007⁷
- the payment due January 1, 2007 was never received
- the payment due February 1, 2007 was not received until February 6, 2007
- the payment due March 1, 2007 was not received until April 11, 2007
- the payment due April 1, 2007 was not received until May 9, 2007
- the payment due May 1, 2007 was not received until May 9, 2007
- the payment due June 1, 2007 was received timely on June 1, 2007
- the payment due July 1, 2007 was never received
- the payment due August 1, 2007 was never received
- the payment due September 1, 2007 was never received
- the payment due October 1, 2007 was never received
- the payment due November 1, 2007 was never received
- the payment due December 1, 2007 was never received
- the payment due January 1, 2008 was never received

While Waste Maven submitted its first payment only one day late, it began submitting significantly delayed payments shortly thereafter, which required extensive and repeated follow-up from the staff and the issuance of frequent Commission Directives directing that payments be made before Waste Maven either (1) purported to comply, but ultimately submitted invalid checks to the Commission, (2) reluctantly complied with its obligations or (3) failed to comply altogether.

⁵ Despite being submitted in a timely manner, this check was later returned to the Commission for insufficient funds. See *infra* at 12.

⁶ In addition to being untimely, this check (for the November 1, 2006 and December 1, 2006 payments) was later returned to the Commission for insufficient funds. See *infra* at 12-13.

⁷ This payment was included in the same check as the November 1, 2006 payment. See Footnote 3.

service fee incurred by the Commission by November 3, 2006. The Directive warned Waste Maven that failure to comply could result in administrative sanctions. See Commission Directive, dated October 25, 2006 ("Fourth Directive"). Waste Maven failed to comply with the Fourth Directive, and no payments were received by October 25, 2006. Subsequently, on November 8, 2006, Waste Maven submitted two money orders – one to replace the First Bounced Check and one for the bank service fee.

Waste Maven continued to submit untimely payments pursuant to the First Stipulation. Waste Maven failed to submit the payments due November 1, 2006, and December 1, 2006. On December 22, 2006, the Commission issued a directive to Waste Maven to pay \$1,000 for two past due November 2006 and December 2006 payments by January 2, 2007. The Directive warned Waste Maven that failure to comply could negatively impact its licensing status. See Commission Directive, dated December 22, 2006 ("Fifth Directive").⁹ Waste Maven failed to comply with the Fifth Directive, and no payments were received by December 22, 2006. Subsequently, on January 12, 2007, Waste Maven submitted a personal check of Pieter for the past due November 2006 and December 2006 payments. This check was later returned to the Commission for insufficient funds. See Second Bounced Check.

On January 11, 2007, Waste Maven submitted a personal check of Pieter in the amount of \$50 to the Commission's Licensing Unit for the purchase of customer decals.¹⁰ This check was also returned to the Commission for insufficient funds. See Third Bounced Check. While Pieter promised the Director of Licensing that he would remedy the situation quickly, he never did. See BIC Directive to Waste Maven, dated March 21, 2007 ("Eighth Directive"). In response to the Eighth Directive (*see infra* at 13), Waste Maven eventually replaced the Third Bounced Check with a certified check on April 11, 2007 and submitted a money order for the bank service fee on April 13, 2007.

On January 17, 2007, the Commission issued Waste Maven a fourth NOV charging Waste Maven with the administrative violation of failing to maintain required business records, in violation of 17 RCNY §5-03. See NOV #TW-1668, *Business Integrity Commission v. Waste Maven Carting Corp.* ("Fourth NOV"). The Fourth NOV was removed from the hearing calendar pending settlement negotiations.

As to payments due pursuant to the First Stipulation, Waste Maven never submitted the January 1, 2007 payment to the Commission and did not submit the payment due February 1, 2007, until February 6, 2007. To date, the Commission has not received the payment due January 1, 2007.¹¹

⁹ The letter mistakenly referred to the two past due payments as "September 2006" and "December 2006" rather than "November 2006" and "December 2006." This typographical error should not excuse Waste Maven's failure to comply.

¹⁰ Licensees are required to provide each of their customers with a decal obtained from the Commission to be displayed at the customer's place of business. See 17 RCNY 5-01(a).

¹¹ The payment submitted on January 12, 2007 was mistakenly initially attributed in Commission records to the payment due January 1, 2007. However, the January 12, 2007 payment covered the past due payments for November 2006 and December 2006. As a result of the confusion stemming from Waste Maven's

On March 26, 2007, Pieter left a voice mail message for a Commission staff member admitting that he was behind in his payments and that "money [was] a little tight." See Memo to File dated March 26, 2007. Pieter promised to take care of the late payments, but requested a payment plan for the \$10,000 default fine for the Third NOV. Id.

On April 11, 2007, Waste Maven partially complied with the Eighth Directive and submitted the following to the Commission: (1) a certified check in the amount of \$1,500; (2) a certified check in the amount of \$50; and (3) one certified check in the amount of \$20. Waste Maven requested a payment plan for \$10,000 default fine. However, Waste Maven failed to submit the second \$20 bounced check fee.¹³

In the meantime, Waste Maven failed to submit the First Stipulation payment due on April 1, 2007. As a result, on April 27, 2007, the Commission issued a Directive to Waste Maven to submit the past-due April 2007 payment of \$500 by May 4, 2007. The Directive warned Waste Maven that failure to comply could negatively impact its licensing status. See Commission Directive, dated April 27, 2007 ("Ninth Directive"). Waste Maven failed to comply with the Ninth Directive and did not submit the payment by May 4, 2007.

Waste Maven did not submit the payment due May 1, 2007 until May 9, 2007, when it also submitted the past due April 2007 payment.

On May 7, 2007, a staff member had a meeting with Pieter at the Commission. The staff member explained to Pieter that the Commission would agree to a payment plan for the Third NOV, provided the pending Fourth and Fifth NOVs were resolved as well. Waste Maven agreed to a global settlement, signed a Stipulation of Settlement for the Third, Fourth and Fifth NOVs and agreed to pay a fine of \$15,000 in 20 monthly installments of \$750. See Stipulation of Settlement, *Business Integrity Commission v. Waste Maven Carting Corp.*, #TW-1586, #TW-1668 and #TW-1737 ("Second Stipulation").¹⁴ After admitting the substance of the administrative charges contained in each of the NOVs, Waste Maven acknowledged that the fines in the Second Stipulation were separate and distinct from the fines previously agreed to in the First Stipulation (#TW-1277 and #TW-1236) and that it had to comply with both payment plans. Id. Furthermore, the staff member explained to Pieter that the Commission was not ready to

¹³ On April 13, 2007, Waste Maven submitted the second \$20 money order to the Commission.

¹⁴ According to the Stipulation of Settlement,

"IT IS HEREBY STIPULATED AND AGREED between the Commission and Waste Maven that: (1) Waste Maven shall pay to the Commission the sum of Fifteen Thousand Dollars (\$15,000) in settlement of the three above-mentioned Notices of Violations, in accordance with the following timetable (20 monthly payments of \$750): \$750 by June 1, 2007, \$750 by July 1, 2007, \$750 by August 1, 2007, \$750 by September 1, 2007, \$750 by October 1, 2007, \$750 by November 1, 2007, \$750 by December 1, 2007, \$750 by January 1, 2008, \$750 by February 1, 2008, \$750 by March 1, 2008, \$750 by April 1, 2008, \$750 by May 1, 2008, \$750 by June 1, 2008, \$750 by July 1, 2008, \$750 by August 1, 2008, \$750 by September 1, 2008, \$750 by October 1, 2008, \$750 by November 1, 2008, \$750 by December 1, 2008, \$750 by January 1, 2009."

the Temporary Renewal Order (due on July 1, 2007, August 1, 2007 or September 1, 2007) by their respective due dates.

On July 11, 2007, the Commission issued a Directive to Waste Maven to submit the past-due July 2007 payments of \$500 and \$750 by July 20, 2007. Again, the Directive warned Waste Maven that failure to comply could negatively impact its licensing status. See Commission Directive, dated July 11, 2007 ("Tenth Directive"). Waste Maven failed to comply with the Tenth Directive and did not submit either payment by July 20, 2007.

On August 16, 2007, the Commission issued a Directive to Waste Maven to submit the past-due August 2007 payments of \$500 and \$750 by August 30, 2007. Again, the Directive warned Waste Maven that failure to comply could negatively impact its licensing status. See Commission Directive, dated August 16, 2007 ("Eleventh Directive"). Waste Maven failed to comply with the Eleventh Directive and did not submit either payment by August 30, 2007.

Waste Maven failed to submit the payments due on September 1, 2007. Given the futile nature of the previous eleven directives, no Commission Directive was issued for this missed payment.

On September 25, 2007, Pieter left a voice mail message with a Commission staff member concerning the four outstanding judgments against Waste Maven required to be resolved in the Temporary Renewal Order.¹⁶ Pieter did not address Waste Maven's failure to submit any of the three past due payments to the Commission. See BIC Memo to File, dated September 25, 2007.

On September 27, 2007, Pieter left another voice mail message with a Commission staff member. While the majority of the message concerned the status of the outstanding judgments, Pieter eventually admitted that he failed to make the settlement payments: "As far as the ... settlements, I got kind of like got overwhelmed. I actually missed the payment on the thing. But I'll be there first thing tomorrow morning with the payment for the settlement – the previous fines that I have – the 750 and the 500." See BIC Memo to File, dated October 25, 2007.

On September 28, 2007, Pieter appeared at the Commission with a payment; however, it only partially covered the past due amount. Waste Maven submitted a payment of \$2,300 towards the balance due on the Second Stipulation (\$750 for the past due July 2007 payment, \$750 for the past due August 2007 payment, \$750 for the past due September 2007 payment and the remaining \$50 towards the upcoming October 2007 payment). Waste Maven made no payments under the First Stipulation for the past due months of July, August and September.

¹⁶ *See supra* at 15, fn. 14.

finding Waste Maven guilty upon default and imposed a fine of \$10,000. See Decision and Order for the Twelfth NOV. To date, this fine remains open and unpaid.

On March 27, 2008, the Commission issued Waste Maven another NOV, charging Waste Maven with failing to register a vehicle with the Commission and failing to affix Commission-issued license plates to the vehicle, in violation of 17 RCNY §5-10(a). See NOV #TW-2260, *Business Integrity Commission v. Waste Maven Carting Corp.* ("Thirteenth NOV"). On May 8, 2008, an administrative law judge issued a decision finding Waste Maven guilty upon default and imposed a fine of \$10,000. See Decision and Order for the Thirteenth NOV. To date, this fine remains open and unpaid.

On March 27, 2008, the Commission issued Waste Maven another NOV, charging Waste Maven with failing to keep the vehicle rear hopper closed, in violation of 17 RCNY §5-08(l). See NOV #TW-2261, *Business Integrity Commission v. Waste Maven Carting Corp.* ("Fourteenth NOV"). On May 19, 2008, an administrative law judge issued a decision finding Waste Maven guilty upon default and imposed a fine of \$10,000. See Decision and Order for the Fourteenth NOV. To date, this fine remains open and unpaid.

On March 27, 2008, the Commission issued Waste Maven another NOV, charging Waste Maven with failing to register a vehicle with the Commission and failing to affix Commission-issued license plates to the vehicle, in violation of 17 RCNY §5-10(a) and with failing to have proper vehicle markings, in violation of 17 RCNY §5-10(b). See NOV #TW-2262, *Business Integrity Commission v. Waste Maven Carting Corp.* ("Fifteenth NOV"). On May 19, 2008, an administrative law judge issued a decision finding Waste Maven guilty upon default and imposed a fine of \$20,000. See Decision and Order for the Fifteenth NOV. To date, this fine remains open and unpaid.

On March 25, 2008, the Commission issued Waste Maven another NOV, charging Waste Maven with failing to register a vehicle with the Commission and failing to affix Commission-issued license plates to the vehicle, in violation of 17 RCNY §5-10(a). See NOV #TW-2269, *Business Integrity Commission v. Waste Maven Carting Corp.* ("Sixteenth NOV"). This administrative violation is currently pending.

On March 25, 2008, the Commission issued Waste Maven another NOV, charging Waste Maven with failing to keep the vehicle rear hopper closed, in violation of 17 RCNY §5-08(l). See NOV #TW-2270, *Business Integrity Commission v. Waste Maven Carting Corp.* ("Seventeenth NOV"). This administrative violation is currently pending.

On April 8, 2008, the Commission issued Waste Maven another NOV, charging Waste Maven with failure to provide off-street parking, in violation of 17 RCNY §5-08(n). See NOV #TW-2339, *Business Integrity Commission v. Waste Maven Carting Corp.* ("Eighteenth NOV"). This administrative violation is currently pending.

C. The Applicant Failed to Comply with the Conditions of its License Renewal Order

On May 9, 2007, the Commission granted Waste Maven a temporary extension of its license until September 30, 2007 and ordered Waste Maven to comply with both of the payment plans contained in the First and Second Stipulations as a condition of its license extension. See Temporary Renewal Order.

Waste Maven was ordered to “abide by the terms and payment schedule contained in the Stipulation of Settlement for Violations #TW-1277 and #TW-1236.” Id. at 4. However, Waste Maven failed to submit the payments due on July 1, 2007, August 1, 2007 and September 1, 2007. *See supra* at 15-16.

Waste Maven was ordered to “abide by the terms and payment schedule contained in the Stipulation of Settlement for Violations #TW-1586, #TW-1668 and #TW-1737.” See Renewal Order at 4. However, Waste Maven failed to submit the payments due on July 1, 2007, August 1, 2007 and September 1, 2007 in a timely manner. Instead, Waste Maven submitted a check for the three past due payments shortly before the expiration of the Temporary Renewal Order. *See supra* at 15-17.

Waste Maven was ordered to “abide by all Commission Directives.” See Renewal Order at 4. However, Waste Maven failed to abide by the Tenth and Eleventh Directives. *See supra* at 16.

Waste Maven was ordered to “provide documentation that outstanding judgments filed by the Workers Compensation Board of the State of New York (filed February 28, 2007 in the amount of \$18,142), by the New York State Commissioner of Labor (filed April 4, 2007 in the amount of \$1,043) and by the New York City Environmental Control Board (Violation #145891388 in the amount of \$1,000 and Violation #00174798X in the amount of \$1,300) have been satisfied or otherwise resolved by the expiration of this order [on September 30, 2007.]” See Renewal Order at 4. Pieter left two voice mail messages for a Commission staff member on September 25, 2007 and September 27, 2007, claiming that the Workers Compensation and Labor judgments had been resolved and that he was attempting to reopen the ECB hearings. Regardless, no documentation was provided to the Commission by the expiration of the Temporary Renewal Order. Furthermore, Waste Maven has not provided any documentation since that date.

On May 24, 2007, Pieter, as President of Waste Maven, consented to these conditions and signed the order, agreeing that violation of any one of the conditions constituted sufficient grounds for denial of its license renewal application. See Renewal Order at 4. Waste Maven’s violation of three of the conditions – where violation of any one of them would suffice – provides more than sufficient grounds for denial.

Moreover, the Applicant failed to submit a timely response to the recommendation, thereby leaving the evidence against it uncontested. Moreover, the Applicant’s late response, even if considered, did not provide any defense to its failure to

E. The Applicant Failed to Pay Taxes and Fees Related to Its Business for Which Judgments Have Been Entered

"[T]he failure to pay any tax, fine, penalty or fee related to the applicant's business for which ... judgment has been entered by a court or administrative tribunal of competent jurisdiction" reflects adversely on an applicant's integrity. See Admin. Code §16-509(a)(x).

According to a judgment and lien search dated June 24, 2008, 10 outstanding judgments have been docketed against Waste Maven (totaling \$15,651):¹⁸

1. New York City Environmental Control Board, #158851689, filed 1/31/08, \$450
2. Criminal Court of the City of New York, #2257811, filed 4/12/07, \$1,000
3. Criminal Court of the City of New York, #2257826, filed 4/12/07, \$500
4. Criminal Court of the City of New York, #2257827, filed 4/12/07, \$2,140
5. Criminal Court of the City of New York, #2257828, filed 4/12/07, \$1,000
6. Criminal Court of the City of New York, #0046290660, filed 4/12/07, \$1,000
7. Criminal Court of the City of New York, #0046290740, filed 4/12/07, \$500
8. Criminal Court of the City of New York, #0046290740, filed 4/12/07, \$2,140
9. Criminal Court of the City of New York, #0046290740, filed 4/12/07, \$1,000
10. New York State Insurance Fund, filed 4/4/08, \$5,921¹⁹

See Lexis Judgment and Lien Filing Search Results, dated June 24, 2008; SmartLinx Search Results, dated June 24, 2008; ECB database search, dated June 24, 2008. To date, the judgments remain open and unpaid.

The Applicant's failure to satisfy its business debts that have been reduced to judgment demonstrates that the Applicant lacks good character, honesty and integrity. Moreover, the Applicant failed to submit a timely response to the recommendation, thereby leaving the evidence against it uncontested. The Applicant's untimely response simply claims that new hearings were requested for the ECB and Criminal Court judgments; no documentation was presented that the judgments had been vacated, satisfied or otherwise resolved. Even if the late response was considered, the Commission rejects Waste Maven's insufficient documentation. Based on this sufficient independent ground, the Commission denies the Applicant's renewal application.

¹⁸ The judgment listed in the staff's recommendation in favor of the New York State Tax Commission, filed 7 28 07, in the amount of \$10,976 was released on April 16, 2008. On June 13, 2008, Parodneck provided documentation that the judgments filed by the New York State Workers Compensation Board (filed 2 28 07, \$18,142), the New York State Commissioner of Labor (filed 4 4 07, \$1,043), the New York State Commissioner of Labor (filed 7 24 07, \$1,041) and the New York City Environmental Control Board (#150792548, filed 7 31 06, \$25) had been satisfied or otherwise resolved.

¹⁹ This judgment was not yet docketed at the time the staff's recommendation was issued.

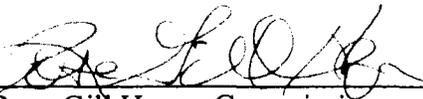
Waste Maven Carting Corp. shall not service any customers, or otherwise operate as trade waste removal businesses in the City of New York, after the expiration of the fourteen-day period. Waste Maven Carting Corp. shall immediately surrender its trade waste license plates to the Commission at the expiration of the fourteen-day period.

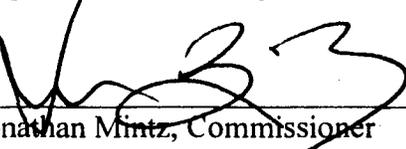
Dated: June 24, 2008

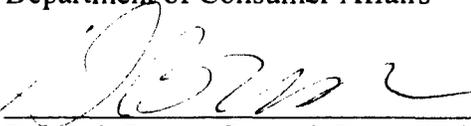
THE BUSINESS INTEGRITY COMMISSION

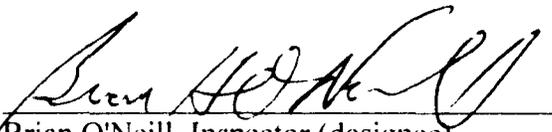

Michael J. Mansfield
Chairman


John Doherty, Commissioner
Department of Sanitation


Rose Gill Hearn, Commissioner
Department of Investigation


Jonathan Mintz, Commissioner
Department of Consumer Affairs


Deborah Buyer, General Counsel (designee)
Department of Small Business Services


Brian O'Neill, Inspector (designee)
New York City Police Department

